

Dec. Res. 1060-1761  
adopted 7/19/61

10/23/61

DECLARATORY RESOLUTION No. **1060** 1961

For the Condemnation of a permanent right of way for sewer easement and utility purposes across parts of

Lot 3 in Sunny Acres Addition to the City of Fort Wayne, Indiana and Lots 16 to 31 inclusive in South Side Suburban Place Addition to the City of Fort Wayne, Indiana, as recorded in the Allen County Surveyor's Office (D34-511), and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, Township 30 North, Range 12 East, all in Allen County, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn a permanent right of way for sewer and utility purposes across the following described real estate in Allen County, Indiana:

The South 7 feet of Lot 3 in Sunny Acres Addition to the City of Fort Wayne, Indiana:

also, the South 7 feet of the East 12 feet of Lot 16; the South 7 feet of Lots 17 to 20 inclusive, and the East 7 feet of Lot 20; the South 7 feet and the West 7 feet of Lot 21; the South 7 feet of Lots 22 and 23; the North 7 feet of Lots 24 to 26 inclusive, and the West 7 feet of Lot 26; the North 7 feet and the East 7 feet of Lot 27; the North 7 feet of Lots 28 to 30 inclusive; the North 7 feet of the East 12 feet of Lot 31, all in South Side Suburban Place Addition to the City of Fort Wayne, Indiana as recorded in the Allen County Surveyor's Office (D34-511);

also, the South 8 feet of the Northwest 300 feet of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, Township 30 North, Range 12 East;

except for any part thereof recorded as permanent easements for sewer and utility purposes.

All as shown by a plan of such proposed Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Condemnation of right of way for sewer easement and utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Condemnation of right of way for sewer easement and utility purposes is described as follows:

Lot 3 in Sunny Acres Addition to the City of Fort Wayne, Indiana and Lots 16 to 31 inclusive in South Side Suburban Place Addition to the City of Fort Wayne, Indiana as recorded in the Allen County Surveyor's Office (D34-511), and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, Township 30 North, Range 12 East, all in Allen County, Indiana.

All according to the method and manner provided for in an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporation," as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five percent (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All Proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

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All streets, lots and lands affected by the above described Condemnation are situated in the Northeast  $\frac{1}{4}$  of Section 25, Township 30 North, Range 12 East, and the Southeast  $\frac{1}{4}$ , Section 24, Township 30 North, Range 12 East, and lying wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 10 DAY OF July 1961.

*J. L. Rumbke*  
*J. Lombard*  
*Bhand*  
BOARD OF PUBLIC WORKS

ATTEST:

*Kenneth McGraw*  
CLERK



NOTED

☒ P.F.R.  
☐ H.N.C.  
☐ B.W.

Date \_\_\_\_\_

October 23, 1961

Mr. John Hoffman  
Associate City Attorney  
902 Fort Wayne Bank Bldg.  
Fort Wayne, Indiana

Dear John:

re Mr. George Coty  
Sewer Res. No. 691-1961  
Easement Condemnation No. 1060-1961

This has reference to the public hearing held on the above mentioned condemnation and at which hearing you personally discussed this matter with Mr. Coty.

The sewer project has now progressed to a point that the contractor is now ready to proceed on the easement at the rear of Mr. Coty's property. Mr. Coty still contends no one shall enter on said property and remove the fence in the center of the easement, except under the condition he outlines. (See attached letter written by P. S. Sidney-Smith to the Board)

A restraining order instrument must be promptly prepared to prevent Mr. Coty from interfering with the contract work.

Very truly yours,

*Kenneth McGraw* Clerk  
BOARD OF PUBLIC WORKS

KM:ms

cc: Mayor Burns  
Edward Green

*enc. Res. 1060-1961  
Let. 10/19/61 from H.N.C. with  
thermo-graph of state sheets on 691-1961*

*1-1/2" - 1/4" Res. 1060-1961 - 10/23/61 - 10/23/61*



